

1 TODD R. G. HILL
2 41459 Almond Avenue
3 Quartz Hill, CA 93551
4 +1 (661) 899-8899
5 Email: toddryangregoryhill@gmail.com
6 IN PRO PER

FILED CLERK, U.S. DISTRICT COURT
12/26/23
CENTRAL DISTRICT OF CALIFORNIA
BY: <u>eee</u> DEPUTY

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA,**

9 **WESTERN DIVISION**

10 TODD R. G. HILL, individually, and as attorney-) Case No.: 2:23-CV-01298-JLS-BFM
11 in-fact, guardian ad litem to ROES 1-8,)
12 Plaintiff(s),)
13 vs.)
14 THE BOARD OF DIRECTORS, OFFICERS)
15 AND AGENTS AND INDIVIDUALS OF THE)
16 PEOPLES OF THE COLLEGE OF LAW; et alia.)

) **MOTION IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED
COMPLAINT; MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT**

) **NO ORAL ARGUMENTS**

The Hon. Josephine L. Staton
Courtroom 8A, 8th Floor
Magistrate Judge Brianna Fuller Mircheff
Courtroom 780, 7th Floor

15 Including: State Bar of California; The Office of)
16 Chief Trial Counsel of the State Bar of California;)
17 The Board of Trustees of the State Bar of)
18 California; The Office of Admissions of the State)
19 Bar of California; Leah Wilson; Suzanne Grandt;)
20 Vanessa Holton; Ellin Davtyan; Louisa)
21 Ayrapetyan; Alfredo Hernandez; Juan De La)
22 Cruz; Natalie Leonard; Donna Hershkowitz;)
23 Elizabeth Hom; Jay Frykberg; Gina Crawford;)
24 Larry Kaplan; Hon. James Herman; Paul Kramer;)
25 Caroline Holmes; Imelda Santiago; Nathalie)
26 Hope; Steve Mazer; Yun Xiang; Joan Randolph;)
27 Jean Krasilnikoff; Enrique Zuniga; Robert Brody;)
28 George Cardona; Melanie Lawrence; Anthony)
29 Garcia; Shataka Shores-Brooks; Eli Morgenstern;)
30 Ruben Duran; Brandon Stallings; Mark)
31 Broughton; Hailyn Chen; Jose Cisneros; Gregory)
32 Knoll; Melanie Shelby; Arnold Sowell, Jr.; Mark)
33 Toney; Amy Nunez; Audrey Ching; Lisa)
34 Cummins; Tammy Campbell; Kim Wong; Devan)
35 McFarland

36 Defendant(s).

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1 **Summary**

2
3 This response challenges the motion to dismiss, asserting the legitimacy and adequacy of the
4 Plaintiff's Second Amended Complaint. If the Court does consider this motion as one for Summary
5 Judgement, Plaintiff asks that the Court treat the motion in part as a motion for Summary
6 Judgement under Rule 12(c) and Federal Rule of Civil Procedure Rule 56.

7
8 The structure and content of the Second Amended Complaint contravenes Defendant's arguments
9 and underscores a commitment to justice and adherence to legal standards by the Plaintiff
10 throughout this case.

11
12 **Factual Allegations**

13 People's College of Law was placed on probation for longstanding issues of noncompliance by the
14 State Bar of California December 2, 2022. The State Bar's own findings of institutional
15 noncompliance are detailed in the report entitled "Action on Inspection Report, Probationary Status,
16 and Termination of Registration - Peoples College of Law" published to the State Bar's own website
17 and submitted for Judicial Notice as EXHIBIT 201A, December 21, 2023 (Docket #102).

18
19 Todd alleges that the State Bar, presumed to be a sovereign entity, has allowed the People's College
20 of Law to target and predate on vulnerable students, including himself, by failing to enforce
21 necessary regulatory standards. He contends that the State Bar's lax oversight and prolonged
22 allowance for the school to operate outside of legal and educational norms have directly facilitated a
23 predatory marketplace and environment. In this environment, Todd argues, the school capitalized on
24 students' aspirations without providing the requisite education and support necessary for his success.
25 This not only jeopardized the futures of students like Todd but also compromised the integrity of the
26 legal profession and public trust. Todd claims that the State Bar's negligence and its failure to rectify
27

1 the school's non-compliance with rules and laws have resulted in significant personal, professional,
2 and financial harm to him and likely others. Todd has requested scrutiny and remedial action under
3 federal civil rights and antitrust laws.
4

5 **Procedural Background**

6 Abbreviated Chronology of the Case and Plaintiff's Efforts for Redress

7 On September 20, 2023, Plaintiff filed a Second Amended Complaint ("SAC") at Docket No. 55
8 (<https://ecf.cacd.uscourts.gov/doc1/031140872478>).

9 On December 4, 2023, Attorneys for Defendants filed a notice and motion to dismiss (Docket #88).

10 **The Plaintiff's Position in Context:**

11 **It is Improper to Request Dismissal for Purported Deficiencies of SAC**

12 The Ninth Circuit is particularly hostile to motions to dismiss under Rule 12(b)(6). *Gilligan v.*
13 *Jamco Dev. Corp.*, 108 F.3d 246, 248-49 (9th Cir. 1997). ("The Rule 8 standard contains a powerful
14 presumption against rejecting pleadings for failure to state a claim.") The Court does not have
15 authority to dismiss the SAC with prejudice. If the Court does not find them sufficient yet, Plaintiff
16 must be granted opportunity to amend until they satisfy the Court, a measure which is not and will
17 not be dispositive of his claims. "In exercising its discretion to summarily dismiss claims on its own
18 motion or by motion of the defendants, the Court takes into consideration that, in any case, and
19 more so in pro se cases, the law requires that plaintiffs be given an opportunity to amend their
20 pleadings to remedy any deficiencies that were identified during screening or after a motion to
21 dismiss has been adjudicated. See *Lipton v. Pathogenesis Corp.*, 284 F.3d 1027, 1039 (9th Cir.
22 2002) ("It is not unreasonable that plaintiffs may seek amendment after an adverse ruling, and in the
23 normal course district courts should freely grant leave to amend when a viable case may be
24 presented."). The issue is not whether plaintiff will prevail but whether he "is entitled to offer
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1 evidence to support the claims." Diaz v. Int'l Longshore and Warehouse Union, Local 13, 474 F.3d
 2 1202, 1205 (9th Cir. 2007) (citations omitted)." Hook v. Idaho, 1:21-cv-00199-BLW, 3 (D. Idaho
 3 Feb. 4, 2022) Here, the Plaintiff should not be denied due process.
 4

5 **Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(d)**

6 F.R.Civ.P. 12(b)(1) allows a party to assert "lack of subject-matter jurisdiction," whereas F.R.Civ.P.
 7 12(b)(6) allows a party to assert "failure to state a claim upon which relief can be claimed" by
 8 motion. Quoting Burgert v. Lokelani Bernice Pauahi Bishop Trust, 200 F.3d 661, 663 (9th Cir.
 9 2000), "[a]ll allegations of material fact are taken as true and construed in the light most favorable
 10 to the nonmoving party" (Plaintiff). "A court considering a motion to dismiss can choose to begin
 11 by identifying pleadings that, because they are no more than conclusions, are not entitled to the
 12 assumption of truth. While legal conclusions can provide the framework of a complaint, they must
 13 be supported by factual allegations. When there are well-pleaded factual allegations, a court should
 14 assume their veracity and then determine whether they plausibly give rise to an entitlement to
 15 relief." Ashcroft v. Iqbal, 556 U.S. 662, 679, 129 S.Ct. 1937, 1950, 173 L.Ed. 2d 868 (2009).
 16 F.R.Civ.P. 12(d) converts the Motion to Dismiss into one for summary judgment under Rule 56 if
 17 "matters outside the pleadings are presented to and not excluded by the Court," as here, granting all
 18 parties opportunity to present pertinent material.
 19

20 **I. California State Bar is the state's monopoly regulator of legal education.**

21
 22
 23 The California State Bar is the "administrative arm" of the California Supreme Court "for the
 24 purpose of assisting in matters of admission and discipline of attorneys." In re Rose, 993 P.2d 956,
 25 961 (Cal. 2000) (quoting In re Att'y Discipline Sys., 967 P.2d 49, 59 (Cal. 1998)); see also Cal. R.
 26 Ct. 9.3 ("The State Bar serves as the administrative arm of the Supreme Court for admissions
 27 matters."). Kohn v. State Bar of Cal., No. 20-17316 (9th Cir. Dec. 6, 2023). To be certified to the

1 Supreme Court for admission and a license to practice law, a person commonly registers with the
2 California State Bar “as a law student within 90 days after beginning the study of law” and
3

4 **I. State Bar’s Immunity Arguments lack merit.**

5 A. The State Bar of California Not Immune from Constitutional Claims of Misconduct by its
6 Actors

7 1. N.C. State Bd. of Dental Examiners v. Fed. Trade Comm'n, 574 U.S. 494, (2015) “Federal
8 antitrust law...is “as important to the preservation of economic freedom and our free enterprise
9 system as the Bill of Rights is to the protection of our fundamental personal freedoms.” United
10 States v. Topco Associates, Inc., 405 U.S. 596, 610, 92 S.Ct. 1126, 31 L.Ed.2d 515 (1972). “The
11 antitrust laws declare a considered and decisive prohibition by the Federal Government of cartels,
12 price fixing, and other combinations or practices that undermine the free market.” N.C. State Bd. of
13 Dental Examiners v. Fed. Trade Comm'n, 574 U.S. 494, 502 (2015) “[T]he Court in Parker v.
14 Brown interpreted the antitrust laws to confer immunity on anticompetitive conduct by the States
15 when acting in their sovereign capacity. See 317 U.S., at 350–351, 63 S.Ct. 307.” N.C. State Bd. of
16 Dental Examiners v. Fed. Trade Comm'n, 574 U.S. 494, 503 (2015). (This law protects Plaintiff, not
17 State Bar defendants nor State).

20 2. California Supreme Court Administrative Order 2017-09-20 & FTC Guidance
21 “In North Carolina State Board of Dental Examiners, the Supreme Court reaffirmed that a state
22 regulatory board is not the sovereign. [emph.] Accordingly, a state regulatory board is not
23 necessarily exempt from federal antitrust liability.” Request for Judicial Notice, Ex. 1, p. 4.
24 (“RJN”). “Actions of the State Bar that have the effect of advancing the interests of attorneys
25 without a clear benefit to the public must be scrutinized closely for potential antitrust violations.”

26 Motion to Dismiss, RJN, Ex. 1, p. 4. “If an action of a regulatory agency such as the State Bar has a

1 potential anticompetitive effect, and is not an action of the Supreme Court or the Legislature acting
2 as sovereign, closer analysis will be required. Under these circumstances, antitrust immunity is
3 available only if the regulatory entity's action is subject to active state supervision and is undertaken
4 pursuant to a clearly articulated policy." Ibid. 3. State Assembly Bill 3249, Ch. 659 Clearly
5 Applied Fed. Antitrust Law to State Bar Assembly Bill No. 3249, Chapter 659 amended State Bar
6 Act to conform with Federal antitrust laws. RJD, Ex. 2, p. 1. "(2) The act requires protection of the
7 public to be the highest priority for the State Bar and the board of trustees in exercising their
8 licensing, regulatory, and disciplinary functions... This bill would eliminate the authorization of the
9 board to aid in all matters that may advance the professional interests of the members of the State
10 Bar." Id., p. 2. The fact that this bill became law in January 1, 2019 strongly infers the Legislature's
11 intent that the State Bar's focus on protection of the public, attorney admissions and discipline, and
12 legal education market regulation were the State of California's intended purpose for the entity.
13

15 **B. The Eleventh Amendment is Irrelevant to the Instant Case for Non-Diverse Plaintiff**

16 1. Eleventh Amendment is Moot for Non-Diverse Plaintiff with Permission to Sue State
17 "The Eleventh Amendment might be the most misunderstood amendment to the Constitution. Both
18 its friends and enemies have treated the Amendment's written text, and the unwritten doctrines of
19 state sovereign immunity, as one and the same—reading broad principles into its precise words, or
20 treating the written Amendment as merely illustrative of unwritten doctrines. The result is a
21 bewildering forest of case law, which takes neither the words nor the doctrines seriously."
22 University of Pennsylvania Law Review, Vol. 169: 609. RJD, Ex. 7, p. 1-2. "The truth is simpler:
23 the Eleventh Amendment means what it says. It strips the federal government of judicial power over
24 suits against states, in law or equity, brought by diverse plaintiffs. It denies subject-matter
25 jurisdiction in all such cases, to federal claims as well as state ones, and in only such cases." Ibid.
26
27

1 "By the same token, the Eleventh Amendment does not mean what it does not say." Id. at p. 613.
2 RJD, Ex. 7, p. 5. The Amendment restricts suits by diverse plaintiffs, and only by diverse
3 plaintiffs." .” RJD, Ex. 7, p. 15-16. (Not Plaintiff with rights to sue.)

4 2. State's Conduct for and with State Bar Defendants is Illegal under Federal Law

5 As demonstrated in Parker, *supra*, at 351, 63 S.Ct. 307 ("[A] state does not give immunity to those
6 who violate the Sherman Act by authorizing them to violate it, or by declaring that their action is
7 lawful".) [emph.] State Bar defendants assert themselves to be sovereign, which is patently false
8 thus estopping all immunities State Bar defendants rely upon – and State cannot grant State Bar
9 defendants authority to engage in conduct violative of U.S. antitrust law against non-attorneys just
10 because it says so or prefers it that way. Plaintiff asserts that the public needs federal protection
11 from State and State Bar defendants' conduct.

12 A. The public corporation relies on the conduct of its agents and fiduciaries.

13 State Bar argues immunity for both the entity and its agents and appeals to its designation as a
14 "public corporation". State Bar also argues that Plaintiff fails to state a specific claim against the
15 entity.

16 Todd here argues that the entity is a "nominal defendant", has no direct interest in the misconduct of
17 its agents or employees, and cannot exercise or be "held to account" in superior position to the
18 natural persons named in the complaint. Plaintiff argues that the State Bar's institutional liability as
19 a state entity and the personal accountability of its agents should be considered in a manner that
20 respects the entity's role in the legal system while ensuring that individual misconduct is addressed
21 directly and appropriately.

22 Here, Todd asserts useful analogs can be drawn from the "fiduciary shield" and "alter ego"
23 doctrines.

1 "To apply the alter ego doctrine, the court must determine (1) that there is such unity of interest and
2 ownership that the separate personalities of the corporation and the individuals no longer exist and
3 (2) that failure to disregard the corporation would result in fraud or injustice." Flynt Distrib. Co.,
4 734 F.2d at 1393; see Iconlab, Inc. v. Bausch Health Companies, Inc., 828 F. App'x 363, 364 (9th
5 Cir. 2020); Conde v. Sensa, 259 F. Supp. 3d 1064, 1068 (S.D. Cal. 2017). "To determine whether
6 there is a sufficient unity of interest and ownership to support alter ego liability, courts consider
7 factors like: commingling of funds, failure to maintain minutes or adequate corporate records,
8 identification of the equitable owners with the domination and control of the two entities, the use of
9 the same office or business locations, the identical equitable ownership of the two entities, the use
10 of a corporation as a mere shell, instrumentality or conduit for a single venture or the business of an
11 individual, and failure to adequately capitalize a corporation." Apple Inc. v. Allan & Assocs. Ltd.,
12 445 F. Supp. 3d 42, 52 (N.D. Cal. 2020) (citing Pac. Mar. Freight, Inc. v. Foster, No. 10-CV-0578-
13 BTM-BLM, 2010 WL 3339432, at *6 (S.D. Cal. Aug. 24, 2010)). Tan v. Quick Box, LLC, Case
14 No.: 3:20-cv-01082-H-DEB, at *11-12 (S.D. Cal. Dec. 8, 2020)

17
18 **Here, Todd argues that because the conduct alleged in the complaint is likely ultra vires and**
19 **anathema to the intended legislative or judicial function of the State Bar, the fact that no**
20 **direct conduct by the entity itself is alleged is not necessarily germane to the establishment of**
21 **its nominal liability nor representative of a substantive defect in the pleading. Todd admits**
22 **that LEONARD, e.g., as an employee of the State Bar would likely yield a different outcome**
23 **than SPIRO or other employees of PCL under the full analysis; the courts indulgence is**
24 **requested as the purpose here is to assist with “sussing” out potentially useful distinctions.**

1 While the "Parker v. Brown" doctrine provides states and their sovereign entities with immunity
2 from antitrust laws when acting in their official capacity, this immunity is not absolute. The
3 Supreme Court in "N.C. State Bd. of Dental Examiners v. FTC" clarified that this immunity does
4 not extend to actions by state agencies controlled by active market participants unless they are
5 actively supervised by the state. Because:

- 6 A. Here, the active market participants, in the form of committees like the CBE, are tasked with
7 the role of supervision of the market and its regulator; and,
- 8 B. Additionally, the State Bar's and the People's College of Law's actions were conducted and
9 supervised as a form of private market participant behavior; and,
- 10 C. The Plaintiff's claims are not an affront to the concept of state sovereignty but a call for
11 accountability to ensure that the State Bar's actions align with the broader objectives of
12 federal antitrust laws.

13 Because the Plaintiff's case seeks to uphold the principles of a free and competitive market,
14 which are core to antitrust legislation and caselaw, the actions of the State Bar and
15 individual defendants should not be immune from antitrust scrutiny.

16 **II. Second Amended Complaint Complies with Rule 8 and Rule 9.**

17 a. Construction and synopsis contravene assertion that document is "prolix".
18 The document as organized by paragraphs is described in detail in the accompanying affidavit, a
19 true and accurate copy of which is here attached as Exhibit A.

20 **III. Defendant's Motion Fails to Address the Merits of 42 USC 1983 complaints.**

21 The recent decision in "Kohn v. State Bar of California," strongly infers that all State Bar
22 employees, appointees, and trustees are State Actors. Kohn establishes the State Bar as an arm of
23

1 the state, with significant control exercised by the state and the California Supreme Court over the
2 entity.

3 State Bar counsel and co-defendants cite it “is axiomatic that neither the state nor any of its agencies
4 may be sued in federal court unless either the state consents to waive its sovereign immunity or
5 Congress abrogates it.” See *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100 (1984)
6 (See Docket #88, lines 12-14)

7 Since the employees, appointees, and trustees operate under the purview of the State Bar, they can
8 be considered extensions of this state-controlled entity. Therefore, their actions, in the capacity of
9 their roles within the State Bar, can be construed as actions of the state itself, making them State
10 Actors.

11 Here, the State Bar motion patently ignores Todd’s claims under 42 USC 1983, RICO claims, and
12 request for judicial referral under 18 USC 241, 242 and 243.

13 A. State’s Conduct for and with State Bar Defendants is Illegal under Federal Law
14 As we learned in *Parker*, *supra*, at 351, 63 S.Ct. 307 (“[A] state does not give immunity to those
15 who violate the Sherman Act by authorizing them to violate it, or by declaring that their action is
16 lawful.”) [emph.] State Bar defendants assert themselves to be sovereign, which is patently false in
17 the context, thus estopping the immunities State Bar defendants rely upon – and State cannot grant
18 State Bar defendants authority to engage in conduct violative of U.S. antitrust or other Federal law
19 against non-attorneys just because it claims the ability.

20 In this context, the federal legislature has anticipated the need for the public’s protection from the
21 State or State Bar defendants’ conduct in this context.

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1 **IV. Request for treatment of causes under 42 USC for summary judgement under Rule**
2 **12(c).**

3 Plaintiff enrolled at PCL with an expectation of earning credits as per institutional policies.

4 PCL reduced these credits, adversely impacting Plaintiff's academic and career progression.

5 Evidence suggests a pattern of discriminatory credit allocation among students.

6 The State Bar's failure to regulate or address these practices implies state action.

7 State Bar issued a report and press release, submitted for Judicial notice as EXHIBITS 201A and

8 201B, recounting findings related to PCL's protracted noncompliance.

10

11 A. Violation of Procedural Due Process (14th Amendment)

12 PCL's unilateral credit reduction, without due process, is akin to constitutional violations in Goss v.
13 Lopez, 419 U.S. 565 (1975), underscoring the need for fair procedures in educational settings.

15

16 B. Violation of the Equal Protection Clause (14th Amendment)

17 The disparate treatment in credit allocation parallels discrimination challenged in Village of
18 Willowbrook v. Olech, 528 U.S. 562 (2000), recognizing a "class of one" theory of equal protection
19 applicable to Plaintiff's situation.

21

22 C. Action Under Color of State Law (42 U.S.C. § 1983)

23 PCL, in its regulated educational role, is a state actor under West v. Atkins, 487 U.S. 42 (1988). The
24 close nexus with the State Bar's regulatory role, following principles in Brentwood Academy v.
25 Tennessee Secondary School Athletic Association, 531 U.S. 288 (2001), further solidifies this
26 argument.

1 D. Deprivation of Property Without Just Compensation (5th and 14th Amendments)

2 The reduction in credits, per Lucas v. South Carolina Coastal Council, 505 U.S. 1003 (1992),
3 demonstrates a regulatory taking, violating the Takings Clause.

5 E. Lack of Justification and Rational Basis for Decision

7 PCL's arbitrary credit reduction, lacking clear purpose, fails rational basis review as mandated in
8 FCC v. Beach Communications, Inc., 508 U.S. 307 (1993), requiring government actions to have
9 legitimate objectives.

11 F. Qualified Immunity Defense

12 In response to potential qualified immunity defenses, as discussed in Ashcroft v. al-Kidd, 563 U.S.
13 731 (2011), Plaintiff contends that the Defendants' actions were not reasonable and violated clearly
14 established statutory or constitutional rights of which a reasonable person would have known.

16 **V. Immunity for monetary remedy does not negate the importance of findings of fact.**

18 While the State Bar may be immune to certain causes of action for monetary damages, this does not
19 diminish the importance of establishing violations of constitutional protections. Plaintiff cedes
20 certain claims may not offer damages remedies yet help determine the context and extent of the
21 Constitutional violations alleged by the Plaintiff.

23 **VI. Plaintiffs' probability of success on the merits.**

25 Defendant fails to provide an evidentiary-based argument to undermine Plaintiffs' probability of
26 success on the merits, fails to limit review or isolate specific claims nor substantively address the
27 adequacy of Plaintiffs' pleadings.

1 Motions under Fed. R. Civ. P. (“F.R.C.P.”) Rule 12(b)(6) “must be made before pleading if a
2 responsive pleading is allowed.” Fed. R. Civ. P. 12(b); see also Elvig v. Calvin Presbyterian
3 Church, 375 F.3d 951, 954 (9th Cir. 2004). As the Ninth Circuit has noted, “[a] fundamental
4 tenet of the Federal Rules of Civil Procedure is that certain defenses under Fed. R. Civ. P. 12
5 must be raised at the first available opportunity or, if they are not, they are forever waived.”
6 American Ass’n of Naturopathic Physicians v. Hayhurst, 227 F.3d 1104, 1106 (9th Cir. 2000).
7 An answer to a complaint is a responsive pleading. See Fed. R. Civ. P. 7(a)(2).
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11 **Motion Succeeds in part and Fails in part on the Merits for Summary Judgement Application**
12 12(b)(6) motions to dismiss are sometimes treated as a motion for judgment on the pleadings.
13 Aldabe v. Aldabe, 616 F.2d 1089, 1093 (9th Cir. 1980); Elvig, 375 F.3d at 954. “A judgment on
14 the pleadings is properly granted when, taking all the allegations in the pleadings as true, [a]
15 party is entitled to judgment as a matter of law.” Lyon v. Chase Bank USA, N.A., 656 F.3d 877,
16 883 (9th Cir. 2011) (quoting Dunlap v. Credit Prot. Ass’n, L.P., 419 F.3d 1011, 1012 n.1 (9th Cir.
17 2005); Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 713 (9th Cir. 2001)). If the
18 Court elects to convert Defendants’ motion to dismiss into a judgment on the pleadings, the
19 motion should be accepted where the pleadings and evidence are sufficient and denied on the
20 merits where the pleading begs for numerous fact determinations.
21
22

23 **A. The Court Must Consider the Complaint in Its Entirety when Evaluating a Motion to**
24 **Dismiss for Failure to State a Claim.**
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1 Defendant asserts that the SAC is "prolix" and that all sixteen counts in the Complaint are
2 conclusory and fail to state claims upon which relief can be granted. To support this argument,
3 Defendants ask that the Court ignore the majority of the paragraphs of the Complaint.

4
5 A defendant may move for dismissal when a plaintiff "fails to state a claim upon which relief can be
6 granted." Fed. R. Civ. P. 12(b)(6). To survive a motion to dismiss, a complaint must contain
7 sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face.

8 Ashcroft v. Iqbal, 556 U.S. 662, 677-78 (2009). A claim has facial plausibility when the plaintiff
9 pleads factual content that allows the court to draw the reasonable inference that the defendant is
10 liable for the misconduct alleged. Id. at 678. Although the court must accept as true a complaint's
11 well-pleaded facts, conclusory allegations of law and unwarranted inferences will not defeat an
12 otherwise proper Rule 12(b)(6) motion. Vasquez v. Los Angeles County, 487 F.3d 1246, 1249 (9th
13 Cir. 2007); Sprewell v. Golden State Warriors, 266 F.3d 979, 988 (9th Cir. 2001). A plaintiff is
14 obligated to provide grounds for their entitlement to relief that amount to more than labels and
15 conclusions or a formulaic recitation of the elements of a cause of action. Bell Atl. Corp. v.
16 Twombly, 550 U.S. 544, 545 (2007). "[T]he pleading standard Rule 8 announces does not require
17 'detailed factual allegations,' but it demands more than an unadorned, the-defendant-unlawfully-
18 harmed-me accusation." Iqbal, 556 U.S. at 678. Dismissal under Rule 12(b)(6) "can [also] be based
19 on the lack of a cognizable legal theory." Balistreri v. Pacifica Police Dep't, 901 F.2d 696, 699 (9th
20 Cir. 1988).

21 When assessing the sufficiency of a complaint under Rule 12(b)(6), the court ordinarily must not
22 consider material outside of the pleadings. Lee v. City of Los Angeles, 250 F.3d 668, 688 (9th Cir.
23 2001). One exception to this rule is the incorporation-by-reference doctrine, which allows the court
24 to "consider evidence on which the 'complaint "necessarily relies" if: (1) the complaint refers to the
25

1 document; (2) the document is central to the plaintiff's claim; and (3) no party questions the
2 authenticity of the copy attached to the 12(b)(6) motion.'" Daniels-Hall v. Nat'l Educ. Ass'n, 629
3 F.3d 992, 988 (9th Cir. 2010) (quoting Marder v. Lopez, 450 F.3d 445, 448 (9th Cir. 2006)).
4

5 Paulson v. City of Mountlake Terrace, No. C19-1492-JCC, at *3 (W.D. Wash. Jan. 15, 2020)

6 Paulson v. City of Mountlake Terrace, No. C19-1492-JCC, at *2-3 (W.D. Wash. Jan. 15, 2020)
7

8 **Addressing the Merits of Plaintiff's Second Amended Complaint**

9
10 In its Order (Docket #54, <https://ecf.cacd.uscourts.gov/doc1/031140866269>) granting Plaintiff leave
11 to file the SAC, the Court found that the interests of justice were better served by allowance of a
12 determination on the merits rather than on a procedural default, noted that there was no evidence of
13 prejudice to the Defendants by reopening the case, and the Defendants would have the full
14 opportunity to respond to the Second Amended Complaint. The Plaintiff's motion to file a Second
15 Amended Complaint was granted on reasoning no less sound today.
16

17 **Revisiting the Grounds for Dismissal and Subsequent Amendments**

18
19 Admittedly, the Court has previously mentioned issues related to Rule 8 compliance, which Plaintiff
20 iteratively addresses. The prior orders granting leave to amend the complaints did not provide an
21 explicit limit to the length of the complaint.

22
23 Additionally, Plaintiff contends that F.R.C.P. Rule 9, governing pleading special matters like
24 misrepresentation and fraud, has not been formally considered in prior judicial rulings related to
25 Todd's complaint(s).

26 **Counterarguments to Defendant's Opposition**

1 State Bar motion cites *McHenry v. Renne*, 84 F.3d 1172, 1177-78 (9th Cir. 1996) as definitive of the
2 Court's authority to dismiss. The Court has also cited *McHenry* in its earlier determinations.

3 Here, Plaintiff humbly asks the Court consider *Briggs v. Montgomery*, discussed below, which
4 contravenes *McHenry* in this context.

5 In *Briggs*, the Court declined to require Plaintiffs to amend their complaint, which it acknowledged
6 was "lengthy and includes some extraneous background information that is not material to the
7 claims for relief, the Court will allow this action to proceed forward on the FAC. See *Hearns*, 530
8 F.3d at 1127 (district court abused its discretion by dismissing FAC with prejudice solely because of
9 its length; "although each [complaint] set forth excessively detailed factual allegations, they were
10 coherent, well-organized, and stated legally viable claims"); contra *McHenry v. Renne*, 84 F.3d
11 1172, 1177-78 (9th Cir. 1996) (affirming district court's dismissal of complaint with prejudice where
12 complaint was "argumentative, prolix, replete with redundancy, and largely irrelevant," consisted
13 "largely of immaterial background information," and "Despite all the pages, requiring a great deal of
14 time for perusal, one cannot determine from the complaint who is being sued, for what relief, and
15 on what theory, with enough detail to guide discovery."); *Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d
16 671, 674 (9th Cir. 1981) (affirming district court's dismissal where complaint was "verbose,
17 confusing and conclusory"). Here, despite its length, "[t]he [FAC] is logically organized, divided
18 into a description of the parties, a chronological factual background, and a presentation of
19 enumerated legal claims, each of which lists the liable Defendants and legal basis therefor." *Hearns*,
20 530 F.3d at 1132. While it does contain some "excessive detail", the FAC is "intelligible and clearly
21 delineate[s] the claims and the Defendants against whom the claims are made." *Id.* *Briggs v.*
22 *Montgomery*, No. CV-18-02684-PHX-EJM, at *27-28 (D. Ariz. June 18, 2019)

1 **A. Addressing Alleged Procedural Missteps**
2 **Refuting Defendant's Claims of Rule Violations**

3 Amendments often occur naturally in the process of adjudication; here, the Defendants can likely
4 reasonably respond to various sections that detail individual factual allegations as well as pleading
5 of the causes of action.

6
7 State Bar alleges several issues as “demonstrative of non-compliance” that are in fact commonly
8 used in pleadings for clarity and efficiency, including:

9
10 a. Incorporation of Antecedent Allegations by Reference:

11 Response: The SFAC's practice of incorporating earlier allegations into each cause of action is a
12 standard procedural tool used to provide a comprehensive and coherent narrative, especially in
13 complex cases involving multiple defendants and extended timelines. This approach is not only
14 efficient but necessary to avoid repetitive restatement of the same facts and to ensure that each
15 cause of action is understood in the context of the broader factual background. The SFAC's structure
16 provides clarity and coherence, particularly important in a case of this magnitude.

17
18 b. Use of the Term 'Defendants':

19 Response: While the SFAC does use the term “Defendants” in a collective manner, this is done for
20 clarity and efficiency, given the large number of defendants involved. However, the SFAC goes to
21 great lengths to specify the actions and roles of individual defendants where necessary, particularly
22 in the detailed descriptions preceding the causes of action. For example, in the paragraphs leading
23 up to the first cause of action, there is a concerted effort to delineate each defendant's specific
24 actions and roles, thereby providing the necessary specificity required by the April 5th Order. The
25 cited paragraphs, including 242, (and its equivalent in the First Amended Complaint) is part of a
26 broader narrative that, when read in full, provides clear distinctions among the roles and actions of

1 the various defendants. The SAC has sought to create further clarifications and distinctions in this
2 area. Presumably, as additional facts become available, further clarity will be achieved.

3 c. Compliance with the Court's Directives:

4 Response: The SAC is a conscientious effort to comply with the Court's directives, including its
5 April 5th, 2023 Order. The detailed nature of the SAC addresses the Court's concerns by providing a
6 clearer, more comprehensive account of the claims and the involvement of each defendant. This
7 approach ensures that the defendants are adequately informed of the allegations against them,
8 thereby facilitating a more effective and efficient response and defense.

9
10 In addition, as the Plaintiff anticipates future amendments as the case progresses and the Defendants
11 substantively respond, he is committed to compliance with the Court's needs and directives.

12 D. Contextual Understanding:

13 Response: The nature and complexity of the case necessitate a detailed and comprehensive
14 pleading. The SAC's structure, while extensive, is designed to provide a complete and coherent
15 narrative essential for understanding the complex interactions and alleged misconduct over an
16 extended period. This level of detail is critical for adequately presenting the plaintiff's case and
17 ensuring that the Court has a full understanding of the context and specifics of each claim. It is
18 designed to assure the Court of an active and viable controversy and Plaintiff's good faith in
19 bringing it to the Court for adjudication.

20
21 **Demonstrating Conformity with the Court's Directions**

22 Plaintiff has made clear effort to demonstrate good faith and reasonable efforts to comply with the
23 Court's directives; Todd has limited the scope of factual allegations, of the evidence presented

1 where in this case there is an abundance given the number of parties and the available
2 documentation in support.

3 **Content Review of the “Second Amended Complaint”**

4
5 The SAC “is sufficient under rule 9(b) if it identifies the circumstances constituting fraud so that a
6 defendant can prepare an adequate answer from the allegations. While statements of the time, place,
7 and nature of the alleged fraudulent activities are sufficient, mere conclusory allegations of fraud
8 are insufficient.” Wool v. Tandem Computers, Inc. 818 F.2d 1433, 1439 (9th Cir. 1987). “The
9 question of whether a business practice is deceptive in most cases presents a question of fact not
10 amenable to resolution on a motion to dismiss.” Pelayo v. Nestle USA, Inc. et al., 989 F.Supp.2d
11 973 978 (C.D.Cal. 2013).

12 Thus the fraud and allegations of rights violations are likely improper for dismissal.

13
14 **C. Plaintiff’s Position on Length and Scope**

15 **Complexity and Scope of the Case:** The extensive nature of the allegations, covering a period of
16 4+ years and involving 60+ defendants, inherently demands a detailed exposition. Given the
17 multifaceted and intertwined nature of the claims, a concise statement, as required by Rule 8, does
18 not preclude thoroughness when the complexity of the case warrants it. The detailed presentation is
19 necessary to provide a clear understanding of each defendant’s role and the interconnections among
20 them, which is crucial for establishing the context and basis of the claims.

21
22 **Efficiency in Presentation:** Despite its length, the complaint efficiently organizes and presents the
23 information. The breakdown of the document — 5 pages for the caption, 8 pages delineating each
24 defendant and their relationships, 1 page for jurisdiction and venue, factual allegations beginning on
25 page 15, and the first of 16 causes of action starting on page 53 — demonstrates an organized
26
27
28

1 approach that aids in the clarity and understanding of the case. This organization facilitates the
2 Court's and the Defendants' ability to navigate through the complexities of the case. The end of the
3 sixteenth cause terminates with the perjury affidavit on page 121. A simple review shows that each
4 cause is argued on average in 4 pages or less.
5

6 After the cause pleadings, Plaintiff provides 8 relevant exhibits (totaling 68 pages, from pages 122
7 to 190), marked Exhibits A through H, which include various copies of documents including:
8 inaccurate transcripts and signed certifications by Mr. Spiro, a defendant and one of the colleges
9 Deans during the relevant period, to the State Bar (SAC Exhibit A, pages 122-131); relevant email
10 chains (SAC Exhibit B, pages 132-138 and SAC Exhibit C, pages 139-154); documents related to
11 Plaintiff's search and attempts to obtain alternative remedy (SAC Exhibit D, pages 155-161); a
12 report issued by the State Bar of California demonstrative of various issues as well as the Plaintiff's
13 probability of harm (SAC Exhibit E, pages 162-179 and SAC Exhibit F, pages 180-184); additional
14 "unofficial" transcripts demonstrative of Defendant's failure to timely cure (SAC Exhibit D, pages
15 185-188); and a copy of Plaintiff's test passage score results (SAC Exhibit H, pages 189-190).
16

17 **Fulfillment of F.R.C.P. Rule 8 Requirements**

19 The filed complaint adheres to the three primary requirements of Rule 8. It provides:
20

21 A clear statement of the grounds for the court's jurisdiction.

22 A straightforward, detailed statement of the claims showing entitlement to relief. The length is
23 justified by the need to elucidate the aspects of each claim, in a case involving numerous defendants
24 and alleged misconduct over an extended timeframe.

26 A clear demand for relief, including specific types of relief sought for each of the causes of action.
27

1 Precedent and Judicial Discretion: Courts have recognized that in complex cases involving multiple
2 parties and extensive factual backgrounds, longer pleadings may be necessary and appropriate.
3 Judicial discretion allows for a practical interpretation of “short and plain” in the context of the
4 case’s complexity.

5
6
7 Purpose of Rule 8: The purpose of Rule 8 is to provide sufficient information to allow the other side
8 to respond and to prevent pleadings from being so vague that they impede the efficiency of the court
9 process. In this case, the detailed complaint serves the purpose of informing each of the 60
10 defendants of the specific allegations against them, thereby facilitating a more efficient and
11 informed response, which aligns with the spirit of Rule 8.

12
13 **Rule 8’s plain language is that a “pleading must contain” clear and concise statements; it does**
14 **not in fact limit the length of the complaint or the number of causes.**

15 Here the Court’s prior determination that this case deserves judgement on the merits still applies.

16
17 **F.R.C.P Rule 9’s Justifies Length and Details**

18 Plaintiff believes the complaint must be considered and adhere to the primary requirements of
19 F.R.C.P. Rule 9, and that the rule supports its scope, length, and detail.

20
21
22 **Complexity of Case Justifying Detail:** Rule 9 acknowledges that certain aspects of a case, such as
23 allegations of fraud (Rule 9(b)) or special damages (Rule 9(g)), require specific and detailed
24 statements. Given the extent of misconduct spanning four years, involving 60 defendants, and
25 multiple causes of action, the level of detail in the complaint is appropriate to clearly articulate the

1 specific nature of the allegations. The latter necessitates a comprehensive narrative to sufficiently
2 describe the circumstances constituting fraud or mistake.

3

4 **Efficiency in Pleading Special Matters:**

5 a. Fraud or Mistake (Rule 9(b)): The complaint's detailed nature fulfills the requirement to
6 state with particularity the circumstances constituting fraud or mistake. Given the large
7 number of defendants and the extended timeframe, detailed factual allegations are necessary
8 to provide clarity and specificity.

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b. Special Damages (Rule 9(g)): In cases where special damages are claimed, they must be
specifically stated. The comprehensive approach taken in the complaint ensures that all
claims of special damages are clearly articulated, meeting the specificity requirement of
Rule 9(g).

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Organizational Clarity:

The complaint's structure, with dedicated sections outlining the roles of each defendant,
jurisdiction, venue, and factual background leading to the causes of action, aids in both
understanding the complex web of relationships and events and Defendant response. This level of
detail is not just a matter of thoroughness but a necessity for clarity in a case of this magnitude and
complexity.

Compliance with Other Provisions of Rule 9:

Capacity or Authority to Sue (Rule 9(a)): The complaint likely addresses the capacity or authority to
sue as needed, ensuring compliance with Rule 9(a).

1 Conditions Precedent (Rule 9(c)): The general allegation that all conditions precedent have been
2 met is likely included, aligning with the requirements of Rule 9(c).

3 Time and Place (Rule 9(f)): Detailed allegations of time and place are essential in a case covering a
4 long duration and involving numerous parties. This aligns with Rule 9(f), which considers time and
5 place allegations as material.

6
7 Rule 9's Flexibility in Complex Cases: While Rule 9 requires particularity in certain circumstances,
8 it also allows for general allegations in others (such as conditions of mind). The balance between
9 these requirements in the complaint demonstrates an understanding of and adherence to the rule's
10 spirit, particularly in the context of a complex and multifaceted legal dispute.

11
12 **D. Challenging the Request for Sanctions**

13 The Plaintiff counters the Defendant's call for sanctions, arguing that such a request is unwarranted
14 and distracts from the substantive legal issues central to the case. Here, where the underlying facts
15 are simple to ascertain, in effect, the Defendants seems to request sanctions, including dismissal
16 with prejudice, on the basis that they have been sued for cause and the Plaintiff seeks just
17 adjudication of the matter given the clear unwillingness of the Defendants to effect cure.

18
19 Here, where the exhibits supplied by the SAC themselves clearly indicate the existence of issues of
20 concern and active controversy, and the State Bar's own 135 page report (accompanying as Exhibit
21 A) demonstrates noncompliance, these arguments appear "willfully blind to the facts and tone deaf
22 to the record."

23
24 **Conclusion and Request for Relief**

25
26 The Plaintiff reiterates the merit and validity of his claims.

1 The Plaintiff respectfully requests the court to deny the Defendant's motion and to give due
2 consideration to the merits and substance of the Plaintiff's Second Amended Complaint. Plaintiff
3 recognizes the broad discretion of the Court to determine both actual and potential compliance of
4 the Second Amended Complaint with its rules. The Court has prior recognized the viable
5 controversy and Plaintiff's actual good faith pursuit of meritorious factual determination and
6 remedy.
7

8 **Alternative Request in Case Court Leans Towards Dismissal: Leave to Amend or Cure**

9
10 A Plaintiff can generally file an amendment before a Defendant's responsive pleading. A motion to
11 dismiss is not a 'responsive pleading' within the meaning of the Rule. Neither the filing nor granting
12 of such a motion before answer terminates the right to amend; an order of dismissal denying leave
13 to amend at that stage is improper." Schreiber Distributing v. Serv-Well Furniture Co., 806 F.2d
14 1393, 1401 (9th Cir. 1986).

15
16 In dismissing for failure to state a claim, "a district court should grant leave to amend even if no
17 request to amend the pleading was made, unless it determines that the pleading could not possibly
18 be cured by the allegation of other facts." Cook, Perkiss Liehe v. N. Cal. Collection Service, 911
19 F.2d 242, 247 (9th Cir. 1990). As in Schreiber, the record here contains "no indication of such a
20 determination." See also Bonanno v. Thomas, 309 F.2d 320, 322 (9th Cir. 1962). In fact, the district
21 court provided no justification for its dismissal of Doe's tort claims at all. "Because the district court
22 did not determine, nor can we conclude, that the allegation of other facts could not possibly cure the
23 deficiencies in [Doe's] complaint, the district court abused its discretion in dismissing [the
24 complaint] with prejudice." Schreiber, 806 F.2d at 1401.

25
26 **Possible cures include striking paragraphs deemed appropriate by the court, reorganization**
27 **(e.g., grouping facts in support of specific causes), or clarification of paragraphs .**
28

1 Plaintiff suggests that Defendants response to the SAC is reasonable and offers a more
2 efficient path to resolution of this matter.

3 **Revisiting the Causes**

4
5 F.R.C.P. Rule 11(b) governs attorney representations to the Court. It states in relevant part that, "By
6 presenting to the court a pleading, written motion, or other paper-whether by signing, filing,
7 submitting, or later advocating it-an attorney or unrepresented party certifies that to the best of the
8 person's knowledge, information, and belief, formed after an inquiry reasonable under the
9 circumstances:

10 (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or
11 needlessly increase the cost of litigation;

12 (2) the claims, defenses, and other legal contentions are warranted by existing law or by a
13 nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new
14 law;

15 (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have
16 evidentiary support after a reasonable opportunity for further investigation or discovery; and

17 (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified,
18 are reasonably based on belief or a lack of information.

19
20 **In re Girardi, 611 F.3d 1027 (9th Cir. 2010) held that, although "carelessly, negligently, or
21 unreasonably multiplying the proceedings is not" vexatious, "recklessly or intentionally
22 misl[ead]ing the court" is vexatious, as is "recklessly rais[ing] a frivolous argument".**

1 In analogous sanction, three attorneys were suspended for presenting briefs containing falsehoods.

2 Dizon v. Wells Fargo, No. 12-cv-04623 SC (NC) (N.D. Cal. Mar. 12, 2013).

3 Here, for the reasons detailed above and below, counsel should provide responses to the SAC.

5 **Reasserting the Strength Plaintiff's Case on the Merits**

7 Plaintiff as a pro se litigant has demonstrated intent to conform to the rules of Court. He reiterates
8 the simplicity of the actual underlying facts; he was intentionally awarded an improper number of
9 units and when duty was clear and opportunity for remedy was offered to the Defendants they failed
10 to timely remedy for a protracted period. Here, even the State Bar's report of the facts limited to
11 PCL's noncompliance (previously submitted as EXHIBIT 201A) is 135 pages including exhibits.

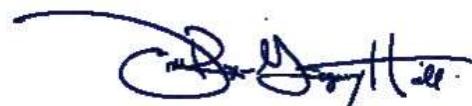
13 **Plaintiff's Proof of Service**

15 This section confirms that all necessary documents will be properly served in accordance with legal
16 requirements, ensuring that due process is maintained throughout the proceedings.

18 **Affirmation of L.R. 11-6.1 Compliance**

19 "The undersigned, Todd Hill, a pro se litigant, certifies that this brief contains 7,000 words, which
20 complies with the word limit of L.R. 11-6.1.

23 December 26, 2023

24 

26 Todd R. G. Hill

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EXHIBIT A

1 **SUPPLEMENTAL AFFIDAVIT STATEMENT & DECLARATION OF TODD HILL**

2 I, Todd Hill, under penalty of perjury and pursuant to 28 U.S.C. § 1746, hereby submit this
3 supplemental statement to clarify factual matters regarding the creation and contents of the Second
4 Amended Complaint (SAC) I authored and was entered at Docket #55. I have reviewed the
5 document and submit the following to assist the Court in determination of its conformance to both
6 F.R.C.P. Rules 8 and 9.

7 **As currently constructed by its paragraphs:**

8 Paragraphs 1-3: Introduction of the plaintiff and the nature of the complaint, setting the
9 context for the allegations against the State Bar and Peoples College of Law (PCL) defendants.

10 Paragraphs 4-10: Overview of the plaintiff's background, qualifications, and experiences
11 with PCL and the State Bar, establishing the basis for his claims.

12 Paragraphs 11-17: Description of the State Bar's regulatory role and its relationship with
13 PCL, outlining the plaintiff's issues with PCL's academic and administrative practices.

14 Paragraphs 18-25: Allegations of misconduct and negligence against specific PCL and State
15 Bar defendants, detailing their roles and actions that purportedly led to the plaintiff's grievances.

16 Paragraphs 26-33: Introduction of legal theories and statutes relevant to the case, grounding
17 the complaint in specific legal contexts.

18 Paragraphs 34-41: Discussion of the State Bar's policies and their alleged impact on PCL
19 students, including the plaintiff, to demonstrate systemic issues and individual instances of
20 misconduct.

21 Paragraphs 42-50: Further elaboration of the plaintiff's interactions with PCL and the State
22 Bar, detailing specific incidents and communications that are alleged to constitute violations of his
23 rights.

1 Paragraphs 51-58: Introduction of additional legal principles and precedents to support the
2 plaintiff's claims, emphasizing the seriousness and legal grounding of the allegations.

3 Paragraphs 59-67: Descriptions of specific events and interactions with the defendants,
4 providing context and evidence for the plaintiff's claims of misconduct and negligence.

5 Paragraphs 68-75: Continuation of the narrative outlining the plaintiff's experiences,
6 focusing on interactions with PCL and the State Bar that allegedly led to his grievances.

8 Paragraphs 76-87: Conclusion of the introductory section, summarizing the plaintiff's
9 allegations and setting the stage for the detailed legal arguments to follow in the subsequent
10 paragraphs of the complaint.

11 Paragraph 88: Discusses the basis of rights violations in terms of breaches of fiduciary duty,
12 contract, good faith, and fair dealing.

14 Paragraphs 99-100: Addresses the State Bar's alleged negligence and predatory practices in
15 student recruitment and retention.

16 Paragraph 104: Asserts the failure of PCL to make timely corrections to records, even when
17 noticed by its own directors.

18 Paragraphs 108-110: Describes PCL's alleged failure in handling various violations related
19 to fair business and debt collection practices.

20 Paragraphs 119-122: Details the State Bar's handling of PCL's noncompliance and suggests
21 a pattern of intentional avoidance of procedural law.

23 Paragraph 161-163 describes the creation of new student handbook rules at Peoples College
24 of Law (PCL) and the plaintiff's belief that these rules were improperly ratified and used for
25 retaliatory purposes. This suggests the State Bar's involvement or failure to address these issues.

26 Paragraph 168 addresses the State Bar's non-interference policy and its impact on the
27 plaintiff's situation, particularly in the context of the State Bar's regulatory responsibilities.

1 Paragraph 169 discusses the State Bar's role and responsibilities in overseeing law schools in
2 California, specifically the approval, regulation, and oversight of schools like PCL.

3 Paragraph 174 alleges that the State Bar's failure to manage complaints and enforce
4 regulations supports claims of breach of fiduciary duty and violation of legal rights.

5 Paragraph 179 outlines the plaintiff's perspective on the State Bar's duties in relation to law
6 schools, including the enforcement of provisions for larger private institutions.

8 Paragraph 183 discusses the State Bar's mission and responsibilities, highlighting the
9 perceived disconnect between its stated mission and the plaintiff's experience.

10 Paragraph 184 addresses the State Bar's statutory mandate to protect the public, raising
11 concerns about compliance with 14th Amendment Equal Protection obligations.

12 In the aggregate, paragraphs 254 through 488 of the SAC contain allegations that facially
13 demonstrate a pattern of racketeering activities by the defendants, including the State Bar of
14 California, individual defendants and Peoples College of Law (PCL). The sections focus on
15 outlining various forms of misconduct, including fraud, breach of contract, and failure to adhere to
16 legal and procedural norms. The detailed allegations, with specific examples support the
17 overarching claim of a pattern and practice of racketeering, as defined under the Racketeer
18 Influenced and Corrupt Organizations Act (RICO).

20 Paragraphs 254-300: Todd outlines his claims under the Racketeer Influenced and Corrupt
21 Organizations Act (RICO), alleging that the defendants engaged in a pattern of illegal activities,
22 including mail and wire fraud, extortion, and racketeering (Paragraphs 254-300).

24 Paragraphs 301-350: These sections delve deeper into specific allegations of fraud and
25 misconduct by the defendants. Todd accuses them of engaging in unfair business practices,
26 violating statutory duties, and failing to adhere to established procedures and rules. He also alleges a

1 violation of the Federal Administrative Procedure Act and California Business and Professions
2 Code (Paragraphs 301-350).

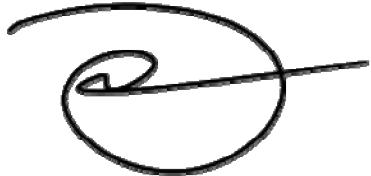
3 Paragraphs 351-400: The focus here shifts to the defendants' failure to follow proper
4 administrative and legal procedures, which Todd claims resulted in violations of his constitutional
5 rights. He also accuses the defendants of conspiring to restrict law school transfers and restrain
6 public liberty and trade (Paragraphs 351-400).

7 Paragraphs 401-450: Todd continues to outline the defendants' alleged misconduct,
8 including their failure to enforce rules and regulations related to the regulation of unaccredited law
9 schools and breach of statutory duties. He also claims that the defendants' actions constituted unfair,
10 unlawful, or fraudulent business practices (Paragraphs 401-450).

11 Paragraphs 451-488: These paragraphs provide further details on the alleged violations of
12 federal and state statutes by the defendants, including the Federal Administrative Procedure Act,
13 California Business and Professions Code, and RICO. Todd asserts that the defendants' actions led
14 to a systemic failure to uphold legal and regulatory standards, impacting his legal education and
15 career prospects (Paragraphs 451-488).

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19 Respectfully submitted this December 26, 2023,

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Todd R. G. Hill

In Propria Persona